

# HellerEhrman

ATTORNEYS

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## Facsimile Transmittal

**To:** Ms. Deshawn Durham, PTO  
**Telephone:** 703-308-1202

**Fax:** 703-308-7751

**From:** Pamela Hall  
**Telephone:** (202) 912-2198

**No. of Pages:** 7 (including cover)

**Date:** December 18, 2001

6620/37794-0032

**Message:** RE: U.S. Application No. 09/986,344 (Peter K. LAW)

Dear Ms. Durham:

Per our telephone conversation today, attached please find:

- 1) 2 Postcards (date stamped Nov. 8, 2001 verifying Copy of Declaration being filed) and Return Postcard w/Serial Number;
- 2) Copy of Declaration and Power of Attorney;
- 3) Copy of Notice of Missing Parts of Nonprovisional Application; and
- 4) Copy of Official Filing Receipt (stating pending completion of Missing Parts)

If you require anything else please call me at (202) 912-2198. I look forward to your response.  
Thank you.

36376 v01.DC (S2G011.DOC)  
12/18/01 4:11 PM (37794.0032)

The information contained in this communication is intended only for the use of the addressee and may be confidential, may be attorney-client privileged and may constitute inside information. Unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error or you have not received all pages, please call the sender immediately at (202) 912-2000.

Heller Ehrman White & McAuliffe LLP [www.hewm.com](http://www.hewm.com)

New York Washington D.C. San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage Hong Kong Singapore  
Affiliated Canadian Offices: Milan Rome Paris Padua Naples

Heller Ehrman White & McAuliffe, 1666 K Street, NW, Suite 300, Washington DC 20006

Date: November 8 2001

Attorney Docket No: 37794-0032

The "Received" stamp of the U.S. Patent & Trademark Office hereon acknowledges receipt of the following documents

Applicant: Peter K. Law

Continuation of Application Serial No: 09/132,321

Application Filed: Herewith - November 8, 2001

For: MYOBLAST TRANSFER THERAPY FOR RELIEVING PAIN AND FOR TREATING BEHAVIORAL AND PERCEPTIVE ABNORMALITIES

- (1) Fee Transmittal
- (2) Continuing Patent Application Transmittal Letter
- (3) Specification including Abstract and claims (23pgs)
- (4) Preliminary Amendment
- (5) Copy of Declaration/Power of Attorney filed in U.S.S.N. 09/132,321
- (6) Check in the Amount of \$370.00 (Check No. 006805)

File in Mail Room

Date Due: November 8, 2001

Return to <sup>665</sup>PDG/MAM/tyb



insp-by: +LL

Heller Ehrman White & McAuliffe, 1666 K Street, NW, Suite 300, Washington DC 20006

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J1050 U.S. PTO  
09/986344  
11/08/01

File in Mail Room

Date Due: November 8, 2001

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✓

# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## MYOBLAST TRANSFER THERAPY FOR RELIEVING PAIN AND FOR TREATING BEHAVIORAL AND PERCEPTIVE ABNORMALITIES

the specification of which is attached hereto unless the following box is checked:

☒ was filed on August 11, 1998 as United States Application Number or PCT International Application Number 09/132,321 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(h) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

### PRIOR FOREIGN APPLICATION(S)

NUMBER	COUNTRY	DAY/MONTH/YEAR FILED	PRIORITY CLAIMED

I hereby claim the benefit under Title 35, United States Code § 119(e), of any United States provisional application(s) listed below.

APPLICATION NO.	FILING DATE
<u>60/055,199</u>	<u>August 11, 1997</u>

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS: PATENTED, PENDING, ABANDONED

I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 26,257; William T. Ellis, Reg. No. 26,874; John J. Feldhaus, Reg. No. 28,822; Patricia D. Granados, Reg. No. 33,683; John P. Isacson, Reg. No. 33,715; Donald D. Jeffery, Reg. No. 19,980; Eugene M. Lee, Reg. No. 32,039; Richard Linn, Reg. No. 25,144; Peter G. Mack, Reg. No. 26,001; Brian J. McNamara, Reg. No. 32,789; Sybil Meloy, Reg. No. 22,749; George E. Quillin, Reg. No. 32,792; Colin G. Sandercock, Reg. No. 31,298; Bernhard D. Saxe, Reg. No. 28,660; Charles F. Schill, Reg. No. 27,590; Richard L. Schwaab, Reg. No. 25,479; Arthur Schwartz, Reg. No. 22,115; Harold C. Wegner, Reg. No. 25,258.

Address all correspondence to FOLEY & LARDNER, 3000 K Street, N.W., Suite 500, Washington, DC 20007-5109. Address telephone communications to Stephen A. Bent at (202) 672-5300.



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole Inventor <b>Peter K. LAW</b>	Signature of First or Sole Inventor <i>Peter K. Law</i>	Date <b>9/16/98</b>
Residence Address <b>Memphis, Tennessee</b>	Country of Citizenship <b>U.S.A.</b>	
Post Office Address <b>c/o Cell Therapy Research Foundation, 1770 Moriah Woods Blvd., Suite 18, Memphis, Tennessee 38117</b>		



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/986,344	11/08/2001	Peter K. Law	37794-0032

26633  
HELLER EHRMAN WHITE & MCAULIFFE LLP  
1666 K STREET, NW  
SUITE 300  
WASHINGTON, DC 20006

CONFIRMATION NO. 5167

## FORMALITIES LETTER



\*OC000000007114739\*

Date Mailed: 11/23/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/986,344 ✓	11/08/2001	1633	370	37794-0032		19	2

26633  
HELLER EHRMAN WHITE & MCAULIFFE LLP  
1666 K STREET, NW  
SUITE 300  
WASHINGTON, DC 20006

CONFIRMATION NO. 5167

## FILING RECEIPT



\*OC00000007114738\*

Date Mailed: 11/23/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Peter K. Law, Residence Not Provided;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/132,321 08/11/1998  
WHICH CLAIMS BENEFIT OF 60/055,199 08/11/1997

## Foreign Applications

If Required, Foreign Filing License Granted 11/23/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Myoblast transfer therapy for relieving pain and for treating behavioral and perceptive abnormalities

Preliminary Class